

August 22, 2007

<p><u>Via Electronic Mail Only</u></p> <p>Maureen McClain, Esq. Alex Hernaez, Esq. Matthew Vandall, Esq. KAUFF, MccLAIN & McGUIRE One Post Street, Suite 2600 San Francisco, CA 94104</p> <p><u>Counsel for Plaintiff</u> Coyness L. Ennix, Jr., M.D.</p>	<p><u>Via Electronic Mail Only</u></p> <p>Scott Emblidge Esq. Rachel Sater, Esq. Andrew Sweet, Esq. MOSCONE, EMBLIDGE & QUADRA 220 Montgomery Street, Suite 2100 San Francisco, CA 94104-4238</p> <p><u>Counsel for Defendants</u> Russell D. Stanten, M.D., et al.</p>
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Re: Ennix v. Stanten, et al.
Civil Case Number: C-07-02486 WHA ENE

Dear Counsel:

As you know, I have been appointed by the U.S. District Court to serve as the Neutral Evaluator in the above-referenced case under the court's Early Neutral Evaluation (ENE). It is my understanding that the deadline for the ENE session is November 14, 2007.

Pursuant to ADR L.R. 6-6, I will conduct a phone conference with all counsel before the ENE session to discuss the following:

- the procedures to be followed;
- the nature of the case;
- appropriate dates for the ENE session and anticipated length of the session;
- the parties who will be present at the ENE session;
- ideas to improve the effectiveness of the ENE session or matters that could pose impediments;
- requirements for your written ENE statements; and
- any questions you might have about the ENE program.

I anticipate that the telephone conference will last approximately one-half hour. Please choose a mutually convenient date and time among yourselves, and then contact my legal assistant, Rebecca, to determine my availability for the telephone conference (or e-mail me at dlevy@levylaw.net with your preferred dates), which I hope to conduct before **Friday, August 30**. I note that there are three attorneys listed for each firm; it is only necessary that one from each participate in the conference call with me, although there is no problem with having additional participants. Also, if one of you would agree to take the laboring oar in setting up the conference, I would be grateful.

Law Offices of David A. Levy

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Before the telephone conference, please ascertain from your clients and any insurers (if applicable) a selection of dates upon which the ENE may be conducted. Please be sure to review carefully ADR L.R. 6 which governs the ENE program.

My conflicts check revealed no actual or potential conflicts of interest under 28 U.S.C. §455(a) and (b), and I am not aware of any other circumstances that would compromise my impartiality or the appearance of impartiality.

I look forward to working with you and your clients on this case.

Very truly yours,

/s/ *David A. Levy*

DAVID A. LEVY

DAL/is

cc: Alice M. Fiel – ADR Case Administrator (via electronic mail)